

Applicant : Scott Montgomery
Appl. No. : 09/990,605
Examiner : Kambiz Abdi
Docket No. : 703602.6 (formerly 268/261)

Remarks

Claims 1-45 and 64-90 are pending in this application, of which claims 1, 13, 21, 30, 64, and 77 are independent. Claims 2, 4, 14, 22, 37, 72, and 87 have been cancelled. Claims 1, 5-8, 13, 17, 19-21, 26-30, 34-35, 43, 64-65, 67-71, 77, 80, 82-86, and 88 have been amended. Claim 156 has been added. No new subject matter has been added.

Rejections under 35 USC §102

Claims 1-45 and 64-90 are rejected under 35 USC §102, as being anticipated by Whitehouse (U.S. Patent 6,005,945). The applicant submits that the claims, as amended, are now in condition for allowance.

"[A] claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Celeritas Techs., Ltd. v. Rockwell Int'l. Corp.*, 150 F.3d 1354, 1361, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998). The standard for lack of novelty, that is, for "anticipation," is one of strict identity. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1296, 63 U.S.P.Q.2d 1597, 1600 (Fed. Cir. 2002).

Each of the independent claims, 1, 13, 21, 30, 64, and 77 have now been amended to require the generation and/or inclusion of a unique postage indicium for a mail piece that includes a digital signature generated or derived from a tracking ID corresponding to the mail piece. The examiner asserted that the Whitehouse '945 patent teaches deriving a digital signature from the tracking ID in rejecting claim 2. In support of the examiner's assertion, the examiner cited to Col. 2, ll. 43-52 of the Whitehouse '945 patent; however, what is taught in the cited paragraph is that data in two dimensional indicium barcode could be used AS a tracking number, and does not teach that such data includes a tracking ID generated for a mail piece independent of the generation of a postage indicium for the mail piece. While Whitehouse does disclose the use of a digital signature within a postage indicium generated for use within a postal system, Whitehouse does not disclose deriving the digital signature from the tracking ID of the corresponding mail piece.

In the presently claimed invention, because the digital signature is derived from the tracking ID of the corresponding mail piece, the contents of the postage indicium can be cross-

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checked with the tracking ID of the mail piece to determine whether the postage indicium is valid. Thus, the postage indicium in accordance with the invention is self-validating. Not only can fraud be detected efficiently with the claimed invention, but the issuance of valid refunds can also be facilitated, as described in para. 174 of the specification. The tracking ID within the postage indicium will indicate whether the postage indicium has been used within the postage system. If not, a valid refund may be issued.

Thus, independent claims 1, 13, 21, 30, 64, and 77, as amended, are patentably distinguishable over Whitehouse.

Therefore, the remaining dependent claims 2-12, 14-29, 65-76, and 78-90 are patentably distinguishable over the Whitehouse reference for at least the same reasons the independent claims are patentable.

Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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